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October 26, 2021

BY ECF

The Honorable Norman K. Moon  
United States District Court  
Western District of Virginia  
255 West Main Street  
Charlottesville, VA 22902

**Re: Sines et al. v. Kessler et al., No. 3:17-cv-00072**

Dear Judge Moon:

Defendants Michael Hill, Michael Tubbs, and League of the South write concerning the preliminary jury instructions that the Court intends to give to the jury before the commencement of trial. Attached as an exhibit to this letter is a proposed preliminary instruction regarding judicial notice.

FRE 201(d) holds that “A court shall take judicial notice if requested by a party and supplied with the necessary information.” Defendants previously submitted this Court’s August 11, 2017 order to establish that Jason Kessler obtained a permit to hold the Unite the Right rally.

This fact is not subject to reasonable dispute and Defendants request this Court instruct the jury consistent with the attached proposed preliminary instruction.

Thank you.

Bryan Jones